

CHARACTERISTICS OF JUVENILE DELINQUENTS
CERTIFIED TO STAND TRIAL AS ADULTS IN
TULSA COUNTY IN 1974, 1975 & 1976

By

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Bachelor of Arts

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Tahlequah, Oklahoma

1970

Submitted to the Faculty of Graduate
College of the Oklahoma State
University in partial
fulfillment of the
requirements for the
Degree of
MASTER OF SCIENCE
July, 1979

Thesis
1979
S 534c
Cap. 2



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PREFACE

This thesis is concerned with juveniles who have been judicially certified to stand trial as adults for violations of the law. One of the ways to examine these juveniles is to compare them to a similar group of juveniles who were allowed to stipulate to prosecutive merit and then be placed on a pending status for a period of time and if no further referrals were received concerning them, the cases would be dismissed.

This study was suggested to me by Larry Myers, the Director of the Juvenile Bureau of the District Court in Tulsa County. The person who was originally concerned with gathering information in this area was Joe Jennings, Chief Judge of the Juvenile Division of the District Court.

I would like to thank Larry Myers and Judge Jennings for the conceptual basis of this thesis, and for the records and resources which they made available. I would also like to thank Judge Jennings for the hours of his personal time used in explaining to me the details of the docket sheets from the Tulsa District Court.

I would like to thank Larry Myers for his interest in this thesis, and his very valuable resources, in addition to his encouragement regarding this thesis.

My thanks also to Kit Marshall and Jana Ruiz for their work with the prosecutive merit cases which they researched.

I would like to thank the Department of Corrections of the State of Oklahoma for their help and consideration in gathering vital information for my project.

I would like to thank Cary Clark, with the Tulsa District Attorney's office, for his help in gathering information for my thesis. I also owe thanks to Dr. Richard Serks for his assistance in the computerized portion of

this thesis.

My thanks to Dr. Hynson for his technical assistance and for his encouragement with my thesis. Also I wish to thank Dr. Sandhu for his technical assistance and kindness in helping me with this thesis. My thanks also to Dr. Bynum for his consent to be on my committee and to share with me his expertise in the area of juvenile delinquency.

I wish to thank Susie Johnson for her help in organizing and preparing this thesis.

I also thank my wife, Linda, and daughter, Erinn, for their help and understanding throughout this project.

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CHAPTER I

INTRODUCTION AND STATEMENT OF PURPOSE

This thesis is an exploratory research dealing with the specific area of juveniles who have violated the law and gone through a legal procedure to be prosecuted as adults. When juveniles commit crimes, they may be tried as juveniles, be allowed to stipulate to prosecutive merit or be certified to stand trial as adults. Before certification, a hearing is set to determine whether prosecutive merit exists. Because several options are available for due process, and because the emphasis is on the process of certification, comparisons were made between juveniles who were certified to stand trial as adults and juveniles who only went through half the procedure to be prosecuted as adults. This procedure of a prosecutive merit pend is the court's final effort to try to divert juveniles from the criminal justice system.

This procedure of certification to stand trial as an adult is an exception both for the juvenile justice system and for the adult criminal justice system. At the time that the idea for this thesis was conceived, and during those years that cases were taken from, the law concerning the procedure for a juvenile to be certified to stand trial as an adult was as follows:

"If a child is charged with delinquency as a result of an offense which would be a felony if committed by an adult, the court on its own motion or at the request of the district attorney shall conduct a preliminary hearing to determine whether or not there is prosecutive merit to the complaint. If the court finds that prosecutive merit exists, it shall continue the hearing for a sufficient period of time to conduct an investigation and

further hearing to determine the prospects for reasonable rehabilitation of the child if he should be found to have committed the alleged act or omission. If the court finds that probable cause exists to believe that a sixteen- or seventeen-year-old defendant is guilty of murder, kidnapping for purposes of extortion, robbery with a dangerous weapon, rape in the second degree, use of firearm or other offensive weapon while committing a felony, arson in the first degree, burglary in the first degree, burglary with explosives, shooting with intent to kill, manslaughter, or nonconsensual sodomy, the child shall be certified as an adult unless it is proven, after proper motion by the defendant, or his parents, guardian or next friend, to the satisfaction of the court that he should remain under the jurisdiction of the juvenile division.

Consideration shall be given to:

1. The seriousness of the alleged offense to the community, and whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;

2. Whether the offense was against persons or property, greater weight being given to offenses against persons especially if personal injury resulted;

3. The sophistication and maturity of the juvenile and his capability of distinguishing right from wrong as determined by consideration of his psychological evaluation, home, environmental situation, emotional attitude and pattern of living;

4. The record and previous history of the juvenile, including previous contacts with community agencies, law enforcement agencies, schools, juvenile courts and other jurisdictions, prior periods of probation or prior commitments to juvenile institutions; and

5. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile if he is found to have committed the alleged offense, by the use of procedures and facilities currently available to the juvenile court.

After such investigation and hearing, the court may in its discretion proceed with the juvenile proceed-

ings, or it shall state its reasons in writing and shall certify that such child shall be held accountable for his acts as if he were an adult and shall be held for proper criminal proceedings for the specific offense charged, by any other division of the court which would have trial jurisdiction of such offense if committed by an adult. The juvenile proceeding shall not be dismissed until the criminal proceeding has commenced and if no criminal proceeding commences within thirty (30) days of the date of such certification, unless stayed pending appeal, the court shall proceed with the juvenile proceeding and the certification shall lapse.

If not included in the original summons, notice of a hearing to consider whether a child should be certified for trial as an adult shall be given to all persons who are required to be served with a summons at the commencement of a juvenile proceeding, but publication in a newspaper when the address of a person is unknown is not required. The purpose of the hearing shall be clearly stated in the notice" (Oklahoma Statutes, 1966:7-10).

A critical factor in juvenile certification as an adult has to do with whether appropriate procedures and adequate facilities are available to the court. This includes protection to the community and rehabilitation for the juvenile offender. The network of agencies in the Tulsa area provides the court with alternatives to certification in a large number of cases.

Due to the different perspectives of the juvenile justice system and the adult criminal justice system, there are some predictable problems which arise, such as communication breakdowns, and misunderstandings and disagreements on treatment plans. These are the exceptions, not the rule.

Although the decision to certify a juvenile to stand trial as an adult is a legal decision, there are social issues involved in that decision, such as whether a juvenile is sophisticated and mature, an evaluation of a juvenile's home environment, emotional attitude and pattern of living. It has been my observation that these social issues do not serve to simplify the court's decision as to whether or not a juvenile should be certified to stand trial as an adult.

After 1974, juvenile males were not automatically tried as adults at the age of 16, with the law establishing the legal age of an adult as 18. The law also provided a procedure for juveniles under the age of 18 to be tried as adults.

Two landmark cases which helped clarify and define the new certification procedure were the United States Supreme Court case, Breed vs. Jones (U.S. Supreme Court Reporter, 421 U.S. 519, 1974), and the Oklahoma case, Garrison vs. Jennings (Oklahoma Decisions, 527 P.2d - 529 P.2d, 1975). In the case of Breed vs. Jones, a juvenile had been tried as a juvenile, then was certified to stand trial as an adult. The Supreme Court unanimously ruled that this violated the juvenile's constitutional right against double jeopardy. It also provided that there may not be a subsequent consideration of certification after a trial to adjudicate delinquency. In Garrison vs. Jennings, the Oklahoma State Supreme Court held that after a child who had by stipulation of the parties been adjudicated In Need of Supervision, arising out of an allegation of homicide, the child could not thereafter be certified for trial as an adult on the same homicide allegation. The court held that once a juvenile was adjudicated a ward of the Juvenile Court, that jeopardy thereby attached.

These cases clearly indicate that if certification to stand trial as an adult were to be a possible option, then there could not be a delinquency trial on the merits of the case. The idea of the prosecutive merit pend then developed. Under this procedure, probable cause to show that a crime had been committed and probable cause to show that the juvenile had committed the offense would have to be shown either by stipulation or by evidentiary hearing. The defense attorney on behalf of his client would then waive the right to a speedy trial and agree to a review hearing in six months or a year. If new or previous referrals were received by the court concerning that juvenile, then the juvenile could be certified on the previous charge, and

possibly the subsequent charges. If no additional referrals were received concerning the juvenile, then the original referral would be dismissed at the review hearing.

Increased concern about juvenile delinquency has appeared more recently. Many articles and media programs describe vicious crimes committed by juveniles, the public impact of which increases the likelihood of severe punishment for juvenile offenders. In response to such publicity and community needs, in 1978 the Oklahoma Legislature reversed the law on the procedure to certify a juvenile to stand trial as an adult. This reverse certification procedure has obviously been an effort on the part of the Oklahoma Legislature to provide for stricter punishment for juvenile offenders. One of the results of this change in the law is some increased difficulty of the different agencies to work out exactly what the law means and how to work out the logistics of the change.

The current law on juveniles who are to be certified to stand trial as adults is as follows:

"Title 10, Section 1104.2, Oklahoma Statutes Annotated: A. Any person sixteen (16) or seventeen (17) years of age who is charged with murder, kidnapping for purposes of extortion, robbery with a dangerous weapon, rape in the second degree, use of firearm or other offensive weapon while committing a felony, arson in the first degree, burglary in the first degree, burglary with explosives, shooting with intent to kill, manslaughter, or nonconsensual sodomy, shall not be transferred to the place of detention designated by the juvenile division, but shall be placed in jail and detained and incarcerated in a room or ward entirely separate from prisoners who are eighteen (18) years of age or over. Upon the arrest and detention, such sixteen- or seventeen-year-old accused shall have all the statutory and constitutional rights and protections of an adult accused of a crime.

B. Upon the filing of a petition against such person, a summons shall be issued which shall set forth the rights of the defendant, and the rights of the parents, guardian or next friend of the defendant to be present at the preliminary hearing, to have an attorney present and to make

application for certification of such defendant as a child to the juvenile division of the district court. The summons shall be personally served together with a certified copy of information on the defendant and on the parents, guardian or next friend of the defendant.

Title 10, Section 1112, Oklahoma Statutes Annotated: (a) Except as hereinafter provided, a child who is charged with having violated any state statute or municipal ordinance shall not be tried in a criminal action, but in a juvenile proceeding in accordance with this act. If during the pendency of a criminal or quasi-criminal charge against any person, it shall be ascertained that the person was a child at the time of committing the alleged offense, the district court or municipal court shall transfer the case, together with all the papers, documents and testimony connected therewith, to the juvenile division of the district court. The division making such transfer shall order the child to be taken forthwith to the place of detention designated by the juvenile division, to that division itself, or release such child to the custody of some suitable person to be brought before the juvenile division. However, nothing in this act shall be construed to prevent the exercise of concurrent jurisdiction by another division of the district court or by municipal courts in cases involving children wherein the child is charged with the violation of a state or municipal traffic law or ordinance.

(b) If a child is charged with delinquency as a result of an offense which would be a felony if committed by an adult, the court shall consider the following guidelines:

1. The seriousness of the alleged offense to the community;

2. Whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;

3. Whether the offense was against persons or property, greater weight being given to offenses against persons especially if personal injury resulted;

4. Whether there is prosecutive merit to the complaint;

5. The desirability of trial and disposition of the entire offense in one court when the juvenile's associates in the alleged offense are adults;

6. The sophistication and maturity of the juvenile as determined by consideration of his home, environmental situation, emotional attitude and pattern of living;

7. The record and previous history of the juvenile, including previous contacts with community agencies, law enforcement agencies, schools, juvenile courts and other jurisdictions, prior periods of probation or prior commitments to juvenile institutions; and

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile if he is found to be guilty of the alleged offense, by the use of procedures and facilities currently available to the juvenile court;

and after full investigation and a preliminary hearing, may in its discretion continue the juvenile proceeding, or it may certify such child capable of knowing right from wrong, and to be held accountable for his acts, for proper criminal proceedings to any other division of the court which would have trial jurisdiction of such offense if committed by an adult.

(c) Prior to the entry of an order of adjudication, any child in custody shall have the same right to be released upon bail as would an adult under the same circumstances.

(d) A juvenile sixteen (16) years of age or older may be charged and prosecuted in any municipal court for violating a city ordinance if the offense does not constitute a crime under state law, and, further provided, that the maximum penalty which may be imposed shall not be in excess of Twenty Dollars (\$20.00), and further provided, that the present laws relative to incarceration of juveniles shall be in no way impaired or altered by this act, nor shall this act alter present laws relative to prosecution of juveniles for traffic violations" (Oklahoma Statutes, 1966:7-10).

The purpose of this thesis is to gather and show some of the information available concerning juveniles who have

gone through the procedure of certification. When possible a comparison was made between juveniles who were certified and those whose cases were pended. This study, therefore, has relevance for current and past state laws, for facilitating more effective treatment for juvenile offenders, and for the scientific community as well.

CHAPTER II

REVIEW OF THE LITERATURE

Development of the Juvenile Court

The best known source of the idea of the juvenile court is summed up in the Latin phrase, parens patriae (Comby, 1978). Early English law gave the chancery court protective jurisdiction over all the children of the land in behalf of the pater patriae, the King. The chancery court had broad authority over the welfare of children, but its jurisdiction was exercised almost exclusively on behalf of minors whose property rights were jeopardized, on the theory that it lacked the means with which to provide for impoverished, neglected minors. When the United States set up its own version of the chancery court, they extended the jurisdiction to include protection of minors in danger of personal as well as property damage. Even with this extension of jurisdiction of the chancery court, there was no provision to deal with children who were accused of criminal law violations. There seems to be some disagreement as to the exact source of authority to establish a court for juvenile criminal offenders.

The first juvenile court in the world began its legal existence on July 1, 1899, in Chicago, Illinois (Giallombardo, 1972:399). This court incorporated the presumption of innocence of children by the common law. According to its doctrines a child under the age of seven inconclusively was presumed incapable of entertaining criminal intent and therefore of committing a crime. Between the ages of seven and 14, a child is presumed to be incapable of committing a crime,

but the presumption may be rebutted by showing that the offender has enough intelligence to know the nature of his act. After the age of 14, children like adults are presumed to be responsible for their actions.

The creation of juvenile courts have been considered a logical and important development in a broader movement for the expansion of the specialized treatment given to children in an increasingly complex society. Although the idea of the juvenile court combined the already existing elements of institutional segregation, probation supervision, foster-home placement, separate judicial hearings, and an approach that emphasized the rehabilitation of the juvenile offender, it did constitute a significant achievement in judicial integration by providing for a more systematic and independent handling of children's cases.

A new legal vocabulary resulted from the creation of the juvenile court. A complaint became a petition, summons replaced warrant, initial hearing instead of arraignment, finding of involvement instead of conviction, disposition instead of sentence.

Even though the legal vocabulary was softened, and it was recommended that physical facilities be less formal than in adult court, there seems to be some problems implementing the reform nationwide. The following statement is taken from findings by the Children's Bureau and Commission in 1966.

In the analysis of their procedures, confusion has come from a common inclination to picture them as uniform throughout the country and to idealize them: to describe optimum practices (or at least, procedures conceived ideal by some analysts) as though they were characteristic. (Chamblis, 1971:411).

Although the juvenile court has had an uneven development and has manifested a great diversity in its methods and procedures, there are certain characteristics which are considered essential in its operation. In 1920, Belden, of the United States Children's Bureau, listed the following

as the essential characteristics of the juvenile court; (1) separate hearings for children's cases, (2) informal chancery procedure, (3) regular probation service, (4) separate detention of children, (5) special court and probation records, and (6) provision for mental and physical examinations.

A few years ago, Lenroot, then chief of the United States Children's Bureau, presented a summary of standards for the juvenile court which indicate the characteristics that many now believe the court should have (Lenroot, *The Juvenile Court Today*, 13 Fed. Prob. 10, 1949). These standards call for the following:

1. Broad jurisdiction in cases of children under 18 years of age requiring court action or protection because of their acts or circumstances
2. A judge chosen because of his special qualifications for juvenile court work, with legal training, acquaintance with social problems, and understanding of child psychology
3. Informal court procedure and private hearings
4. Detention kept at a minimum, outside of jails and police stations and as far as possible in private boarding homes
5. A well qualified probation staff, with limitation of case loads, and definite plans for constructive work in each case
6. Availability of resources for individual and specialized treatment such as medical, psychological, and psychiatric services, foster family and institutional care, and recreational services and facilities
7. State supervision of probation work
8. An adequate record system, providing for both legal and social records and for the safeguarding of these records from indiscriminate public inspection.

These standards form much of the basis of the Standard Juvenile Court Act, the latest edition of which was

issued by the National Probation and Parole Association in 1959, and to a great extent they have been incorporated in the Standards for Specialized Courts Dealing with Children, which was prepared by the United States Children's Bureau in 1954 (Giallombardo, 1972:38).

The goals are to investigate, diagnose, and prescribe treatment, not to adjudicate guilt or fix blame. The individual's background is more important than the facts of a given incident, specific conduct relevant more as symptomatic of a need for the court to bring its helping powers to bear than as prerequisite to exercise of jurisdiction. Lawyers are unnecessary, adversary tactics were out of place, for the mutual aim of all is not to contest or object but to determine the treatment plan best for the child. This is a cumulation of plans popular with psychologists and psychiatrists. Delinquency is thought of almost as a disease, to be diagnosed by specialists and the patient kindly but firmly dosed. Even the judicial role is minimized in this and similar frameworks.

Current Trends

To prevent and control delinquency, we must first know something about the nature of delinquency and the dimensions of the problem. We need to know how serious delinquency is. How much of it is there? How many of our youth are involved? What sorts of illegal acts do they commit? What have the trends in delinquency been in the past, and what can we expect in the future?

A major problem with studying delinquency is that the only juvenile statistics gathered regularly are FBI's Uniform Crime Reports, based on arrest statistics, and juvenile court statistics based on referrals to the juvenile courts. This thesis deals with records from the Tulsa District Attorney's office, the Oklahoma Department of Corrections, the Juvenile Bureau of the District Court, the Tulsa

County Sheriff's office and Tulsa Police Department records.

In order to devise more effective means to rehabilitate the juvenile offender, it is necessary to have sufficient information as to the factors involved in his violation of the law (Reckless, 1961).

It seems only logical to approach a study of delinquency through a study of all the available variables possible, then to combine and note the interaction of the variables on the individual, even if there does not seem to be a theory which can encompass all of the possibilities of the many variables which need to be studied.

One theory on how to treat juvenile delinquency is to have a mandatory Social Security-type program which would ensure that no child would grow up in poverty. This approach to juvenile delinquency focuses on the factors of poverty, ghetto life, stable family life, and parenting skills (Bazelon, 1973:436).

Recognizing the vast variety of offenders, criminologists completely agree that we should identify some common characteristics of different offenders, arrange them in some order and place them in categories, classifications, or typologies. But there is much less agreement on the criteria of an offender typology (Sandhu, 1974).

This study attempts to show some of the characteristics of juveniles dealt with in the Juvenile Bureau of District Court in Tulsa County in the years 1974, 1975, and 1976.

This study deals not only with juvenile delinquents, but with those juveniles who were specifically certified to stand trial in the adult criminal justice system. This procedure has been compared with cutting off a piece of a leg in order to make the pants fit, by Judge David L. Bazelon, of the United States Court of Appeals in the District of Columbia (Bazelon, 1973).

CHAPTER III

METHODOLOGY AND FINDINGS

The sample for this thesis was drawn from 79 available cases of juveniles who were certified to stand trial as adults in the years 1974, 1975 and 1976. In addition, a comparative sample also included 45 available cases of juveniles who were allowed to stipulate to prosecutive merit. Thus, they were not immediately certified to stand trial as adults.

Comparisons were made throughout the analysis in order to specify the degree to which various factors correlated with the process of certification in the court system. This exploratory approach should provide new insight into a much neglected area of research.

A number of factors have been found to correlate highly with incidents of juvenile delinquency and subsequent court action. These include age at first referral, age of certification, race, sex, parental marital status, number of siblings, previous referrals, type of offense and the interaction of the factors.

Table I deals with the year and number of referrals by age received by the Juvenile Bureau of the District Court.

TABLE I
YEAR AND NUMBER OF REFERRALS BY AGE

<u>Age</u>	1974		1975		1976	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Under 7 years old	0	.00	3	.15	1	.04
7 years old	2	.09	2	.10	4	.17
8 years old	9	.39	15	.76	7	.29
9 years old	11	.47	16	.81	16	.67
10 years old	24	1.03	34	1.73	34	1.40
11 years old	60	2.57	34	1.73	52	2.13
12 years old	91	3.90	66	3.35	96	3.94
13 years old	202	8.66	141	7.16	173	7.09
14 years old	300	12.85	282	14.32	333	13.66
15 years old	406	17.40	371	18.83	431	17.67
16 years old	535	22.92	493	25.03	623	25.55
17 years old	661	28.32	496	25.18	646	26.49
Age Unknown	<u>33</u>	<u>1.40</u>	<u>17</u>	<u>.85</u>	<u>22</u>	<u>.90</u>
TOTAL	2334	100.00	1970	100.00	2438	100.00

Table II deals with certification by mean age at first referral.

TABLE II
CERTIFICATION BY MEAN AGE AT FIRST REFERRAL

	Certified	Prosecutive Merit
	\bar{X} (N)	\bar{X} (N)
Age	14.4 (79)	17.4 (45)
t one tailed test = 5.8	df = 122	p < .01

There are obvious differences in the two groups in the area of age of first referral. This difference is not surprising when you remember that one of the criteria for qualifying for the prosecutive merit pend is number and type of previous referrals. So it is predictable that those allowed to stipulate to prosecutive merit would be older at the age of first referral, so as not to be as amenable to treatment in the juvenile system, if for no other reason than loss of jurisdiction at the age of 18 (addendum attached).

In the years 1974, 1975 and 1976 there were 300, 282, and 333 referrals on juveniles who were 14 years old. This represents 12.85, 14.32, and 13.66 percent of the delinquency referrals received for those years.

The obvious question that comes to mind is what works on the large majority of juveniles which does not work on those who were certified. Ideally, a juvenile who was identified at the age of 14 to have criminal tendencies would

be young enough to be amenable to rehabilitative programs available to him without being certified to stand trial as an adult. However, the fact that the average age of first referral for those certified is 14.4 years of age is consistent with several trends of career offenders. It is the young offenders who tend to receive the longer prison sentences. The young offenders are the most likely to recidivate and also the most likely to commit further violations, even in prison.

Table III deals with certification by mean age.

TABLE III
CERTIFICATION BY MEAN AGE

	Certified	Prosecutive Merit
	\bar{X} (N)	\bar{X} (N)
Age	16.9 (79)	17.5 (45)
t one tailed test = 5.1 df = 122		p < .01

Those children who were certified at the age of 15 (three) were probably involved in a very serious offense such as murder or non-negligent homicide. The issue of amenability to treatment is hard to overcome when the juvenile has three years before becoming 18; thus, the juvenile system would have three years of possible probation or juvenile placement in which to rehabilitate the juvenile. Normally when a juvenile is this young, seriousness of the offense is the main reason for his being certified.

Those who were certified at the age of 16 (six) are viewed similarly to those who were certified at 15.

It is not surprising that 82.3 percent of all juveniles certified (65) were certified at the age of 17, considering the guidelines for certification. These juveniles probably include the property offenders, the violent offenders, those who had numerous previous referrals, those who had previously been placed on probation, and those who had previously been placed outside their home. Those who were certified at the age of 18 were either on a prosecutive merit pend and involved in another violation of the law, or had a violation of the law while they were 17 that was not discovered, or processed, until they turned 18.

Table IV deals with certification by race.

TABLE IV
CERTIFICATION BY RACE

Race	Certified		Prosecutive Merit	
	Number	Percent	Number	Percent
White	55	69.6	35	85.4
Non-White	24	30.4	6	14.6
TOTAL	79	100.0	41	100.0
Chi square $X^2 = 23.2$	df = 1			$p < .01$
Phi coefficient = .17	p = n.s.			Lambda = .15

The statistics on those certified are not particularly remarkable. The 22.8 percent (18) of Blacks certified is probably in excess of the percentage of the Black popu-

lation in the Tulsa area. This percentage is not as alarming, however, as some stereotypes of minorities involved in crimes might lead one to expect.

The statistics on American Indians (6.3%) and Mexicans (1.3%) are probably exaggerated for the population in the Tulsa area, but again are not remarkably disproportionate.

In looking at the prosecutive merit statistics, it is obvious that there is a difference in percentages when compared to the group which was certified. It is difficult to draw a great deal of significance from a sample of 41 cases over a period of three years. Just comparing the percentages shows that approximately 15 percent more Whites were pended as compared to the reduction by nearly one-half of the percentage of Blacks who were pended. The American Indian and Mexican categories are not remarkable due to the small numbers involved in both categories.

It is important to remember that the prosecutive merit pend is an exception to the exception of the category of juveniles certified to stand trial as adults, and as such are screened by several criteria. Number of previous referrals, type of controls that the family can exert over the juveniles, maturity and sophistication, and type of offense are a few of the social criteria through which these juveniles are screened. A real legal question that the prosecutors must deal with is whether it is more effective to try to prosecute a weak case and possibly lose or to allow a juvenile to agree that there is probable cause that a crime was committed and probable cause to believe that he committed the offense. If the prosecutor opts to agree to the latter procedure and the juvenile is involved with a further violation of the law, then a prosecutive merit hearing on the first offense is not necessary.

Unfortunately, it is not possible for this study to go case by case for the purpose of comparing race to certification of prosecutive merit.

Table V deals with certification by sex.

TABLE V
CERTIFICATION BY SEX

Sex	Certified		Prosecutive Merit	
	Number	Percent	Number	Percent
Male	69	87.3	34	75.5
Female	10	12.7	11	24.5
TOTAL	79	100.0	45	100.0
Chi square $X^2 = 72.6$	df = 1			p < .01
Phi coefficient = .15	p = n.s.		Lambda = .18	

In looking at the difference in the number of males certified as compared to the males who were allowed the prosecutive merit pend, there is not a drastic difference in the statistics. The females, however, double when those certified are compared to those who were allowed the prosecutive merit pend. Again, apologies for the small sample of the prosecutive merit pend. The same criteria which applies to the comparison by race applies to the comparison by sex. However, the comparison by sex is now being commented on more frequently in the literature. One such comment comes from Reckless (1967:148).

"There are certain superficial facts which are recognized, such as less willingness to report, arrest and convict females than males, resulting in an arrest ratio in most modern countries in which the volume of arrests is several times higher for males than for females" (Reckless, 1967:148).

Perhaps part of the reason for their new-found attention in the literature is that even with the tendency for attempts to divert delinquent girls at several levels in the system, their number is growing at an alarming rate.

"From 1960 to 1973, female delinquency grew two to three times the rate of male delinquency. Furthermore the increase has been recorded in all kinds of delinquency: violent crime, forgery, fraud, embezzlement, prostitution, weapon carrying, violation of narcotic drug laws, gambling, and drunkenness. As is evident from this wide spectrum of delinquent behavior, the female juvenile is offending both against others and against herself. This is partly attributable to women's changing roles and changing perceptions of self, and to their desire for expanded horizons" (Sandhu, 1977: 90)

There is a great deal of attention paid to female status offenders in the literature. For the purpose of this study, except for prior referrals, the females listed on this chart were dealt with on the basis of a felony-type complaint.

Table VI deals with Certification by sex and race.

TABLE VI
CERTIFICATION BY SEX AND RACE

Race	Certified			
	Male Number	Male Percent	Female Number	Female Percent
White	46	66.7	9	90.0
Non-White	23	33.3	1	10.0
TOTAL	69	100.0	10	100.0

TABLE VI (Continued)

Race	Prosecutive Merit			
	Male		Female	
	Number	Percent	Number	Percent
White	27	90.0	11	78.5
Non-White	3	10.0	3	21.4
TOTAL	30	100.0	14	99.9
Chi square $X^2 = 58.8$	df = 3	p < .01	Chi square	
$X^2 = 32.1$	df = 3	p < .01	Phi coefficient = .22	
p < .01	Phi coefficient = .13		p = n.s.	

Table VII deals with year and parental marital status. It is a popular belief in the literature and in the law enforcement field that broken homes cause juvenile delinquency. This belief is attacked by Hirschi and Selvin, who assert that broken homes are not a cause of delinquency (Hirschi and Selvin, 1966:254-268).

Realizing that there is not a one-to-one ratio of delinquency to broken homes, it is still interesting to note that broken homes were involved in a significant number of cases shown by this study.

When comparing the 68.8 percent of divorced families of the prosecutive merit category to the 36.7 percent of the certified category, it would appear that some significance exists. This relationship is contrary to the hypothesis that those certified would have a larger incidence of broken homes.

There is not a reason to pend a felony complaint for a juvenile simply because he is the product of a broken home. The statistics on the marital status are not influenced by the law or by court procedures.

TABLE VII
YEAR AND PARENTAL MARITAL STATUS

Marital Status	1974		1975		1976	
	Number	Percent	Number	Percent	Number	Percent
Parents Married and Living Together	1601	46.81	1223	40.96	1303	36.71
One or Both Parents Dead						
Both Dead	11	.32	13	.44	23	.65
Father Dead	235	6.87	218	7.30	272	7.66
Mother Dead	74	2.16	70	2.34	83	2.34
Parents Separated						
Divorced or Legally Separated	1296	37.89	1263	42.30	1616	45.53
Father Deserted Mother . .	0	.00	6	.20	1	.03
Mother Deserted Father . .	1	.03	1	.03	1	.03
Other Reason	77	2.25	47	1.57	85	2.40
Parents Not Married to Each Other	100	2.92	127	4.25	144	4.06
Other Status	25	.73	18	.60	21	.59
TOTAL	3420	100.00	2986	100.00	3549	100.00

Table VIII deals with certification by parental marital status.

TABLE VIII
CERTIFICATION BY PARENTAL MARITAL STATUS

Marital Status	Certified		Prosecutive Merit	
	Number	Percent	Number	Percent
Divorced	29	40.8	31	68.9
Deceased Parent . . .	16	22.5	2	4.4
Married	26	36.7	12	26.7
TOTAL	71	100.0	45	100.0

Chi square $X^2 = 30.9$ Phi coefficient = .12 p = n.s. (with collapsed cells)

It is interesting to note that for the certified group the percentages are nearly the same for the divorced and married families.

Of the total number of delinquency referrals received by the Juvenile Bureau in 1974, 1975, and 1976, .32 percent, .44 percent, and .65 percent had both parents deceased; 6.87 percent, 7.30 percent, and 7.66 percent had their father deceased; and 2.16 percent, 2.34 percent, and 2.34 percent had their mother deceased.

It would seem that a deceased parent would have some significance to a juvenile who was certified. Unfortunately for this study it is not possible to specify the sex and age of the child and compare the relationship to the death of the father or mother or both parents.

There are some stereotypes found in the literature which indicate that delinquents come from large families, as shown in Table IX. This study is obviously no support for that theory. It is interesting to note that the mean for both groups is identical, and the overall pattern for family size is remarkably close for both groups. Probably the family size for those certified and for those of the prosecutive merit pend are comparable to the family size of the general population.

TABLE IX
CERTIFICATION BY NUMBER OF OTHER
CHILDREN IN FAMILY

Number of Other Children	Certified		Prosecutive Merit	
	Number	Percent	Number	Percent
1 or 2	16	20.2	7	20.6
3 or 4	37	46.8	16	47.0
5 or 6	14	17.7	7	20.5
Greater than 7	12	15.3	4	11.8
TOTAL	79	100.0	34	100.0
Chi square $X^2 = 27.0$	df = 7	p < .01	Lambda = .11	

Table X deals with certification by number of previous referrals,

In examining the number of previous referrals, I should point out that the figure 0 represents the one person who was certified on his first referral and the 19

people who were allowed the prosecutive merit pend on their first referral.

TABLE X
CERTIFICATION BY NUMBER OF
PREVIOUS REFERRALS

Number of Previous Referrals	Certified		Prosecutive Merit	
	Number	Percent	Number	Percent
0 - 1	17	21.5	24	53.3
2 - 4	20	25.3	14	31.1
5 - 7	22	27.8	7	15.6
8 - 19	20	25.3	0	.0
TOTAL	79	99.9	45	100.0
Chi square $X^2 = 29.6$	df = 7	p .01	Lambda = .14	

It is surprising to me that 20.3 percent of those certified were certified on their second referral. These were probably in the category of more serious offenses and who were near their 18th birthday. Thirty-two percent were certified from four to eight referrals. These juveniles had probably been placed on probation and placed in institutions by this time. It is interesting to note the juveniles who had from 10 to 19 referrals before being certified. Some of these referrals came from a cluster of delinquent acts, which were reported in a very short time span. Some of these juveniles started receiving referrals at a very young age and accumulated a large record through

not being convicted. The burden of proof for the state is the same for prosecutors in the juvenile justice system as the adult criminal justice system. A case will be dismissed just as fast in a juvenile court as in an adult criminal court if the victim or a vital witness for the state does not appear for the trial. There are those who believe that juvenile courts are different than adult courts, that judges are really social workers in robes and that rules of evidence are relaxed to fit the rehabilitation needs of the child. These people need to be reminded of the Gault decision of the Supreme Court of the United States on May 15, 1967. Up until the tryor of fact, either a judge or jury, has determined that the juvenile has committed the delinquent act, the only difference between the juvenile case and adult case is that the juvenile has extra protection, such as having his parents with him before being questioned.

Once past the issue of whether or not the juvenile committed the delinquent offense, the roles of the juvenile court and the adult court differ. The juvenile court's role is for rehabilitation and not for punishment.

In looking at the amount of referrals in the prosecutive merit pend category, it is consistent with the intent of the procedure that approximately 75 percent of the juveniles allowed to be placed on the prosecutive merit pend would have four referrals and less. In those cases that had from four to eight previous referrals, I would question the severity of previous offenses and the strength of the prosecutor's case.

Table XI deals with certification by type of offense. The offenses which most commonly resulted in a juvenile being certified were burglary at 20.3 percent; drug offenses, 17.4 percent; unauthorized use, 14.5 percent; and murder and non-negligent homicide, 11.6 percent.

An estimated total of 2,540,900 burglaries were committed during 1973. This is 29 percent of the total of all crime under offenses. When viewed as a segment of property

crime, burglary is found to comprise 33 percent of the total. Economically, the offense of burglary represents a substantial sum.

TABLE XI
CERTIFICATION BY TYPE OF OFFENSE

Offense	Code	Certified		Prosecutive Merit	
		Number	Percent	Number	Percent
Murder and non-negligent manslaughter	1	8	11.6	0	.0
Purse snatching	4	2	2.9	1	2.3
Robbery	5	5	7.2	2	4.5
Aggravated Assault	6	7	10.1	2	4.5
Burglary	8	14	20.3	11	25.0
Unauthorized Use	9	10	14.5	5	11.4
Larceny	12	4	5.8	10	22.7
Weapons Carrying	13	1	1.4	0	.0
Sex Offenses (except rape)	14	2	2.9	1	2.3
Drug Offenses	15	12	17.4	5	11.4
Miscellaneous*	20	4	5.8	7	15.9
TOTAL		69	99.9	44	100.0

*Miscellaneous includes Knowingly Concealing or Receiving Stolen Goods, Arson, Forgery, and Malicious Mischief.

Young persons under 18 accounted for 54 percent of all arrests for burglary (Sandhu, 1977:120).

According to a crime specific study done in California, about 43 percent of the burglars had prior records. Of those with prior records, 70 percent had been convicted previously of burglary, and 56 percent for drug violations. This is partial evidence that burglars are career criminals (Sandhu, 1977:120). By sheer number of offenses, it is predictable that burglary would be the most common charge on which the juvenile was certified.

When noting that drug offenses make up the second highest offense which resulted in a juvenile being certified, one must remember that this does not include simple possession of marijuana, or even the second offense for possession of marijuana. Only offenses which would be classified as a felony if the juvenile were an adult would apply to a request for that juvenile's certification to stand trial as an adult.

The rise in the incidence of drug use has been correlated with several factors which took place in the 1960's. One of the major factors was the demographic shifts in American society. Between 1960 and 1970 the population between the ages of 15 and 24 increased by about 11 million. Even had the rate of drug use remained constant, the absolute increase in population of young people would have brought about a dramatic increase in the number of people using drugs (Blum, 1967:23 & 24).

Other factors were the alienation of young people from the established traditions and institutions, changes in procedures which hampered law enforcement, a period of increased affluence and increased leisure, and the glorification of drug usage in the media and popular music.

Drug offenses are ingrained into other areas of crime and delinquency.

The FBI Uniform Crime Reports indicate that robbery is a large-city problem. Fifty-seven large core cities, with

populations over 250,000, experience 75 percent of all the robberies which take place in the United States each year (U. S. Department of Justice Report, January 1971).

The statistics taken from the uniform crime report indicate that 60 percent of all robberies involve armed offenders, and 40 percent involve robbery by force. Sixty-three percent of the armed robberies involve a firearm, with 24 percent involving a knife or cutting instrument, and 13 percent a blunt instrument.

Thirty-three percent of all armed robbers in 1968 were under 18 years of age. In 1975 there was a total of 382,680 robbery offenses committed in the United States. About one-third of all robberies were committed by persons under age 18. Of the persons arrested for robbery, Negroes constituted a majority of 68.5 percent, while 30.4 percent were White (Sandhu, 1977:177).

A robbery offense lends itself well to the criteria of certifying a child to stand trial as an adult due to the fact that it is a violent crime against persons as opposed to property.

Those juveniles who were certified to stand trial as adults for unauthorized use of a motor vehicle should not be confused with the statistics on those people who were convicted of auto theft, the difference being an evidentiary burden. To prove an auto theft, it is necessary to have a witness to the theft or the thief to be apprehended in a very close proximity in time to the actual theft. The charge of unauthorized use of a motor vehicle can be sustained if the offender can be shown to be operating the vehicle without the consent of the lawful owner.

Murder and non-negligent homicide accounted for 11.6 percent of the juveniles who were certified to stand trial as adults. Juveniles as adults can be convicted of murder even though they did not take a life. Two juveniles who were certified in 1976 were involved with the burglary of a business when an employee walked into the business. The

adult co-defendant murdered the employee, but the juveniles were certified to stand trial as adults on the same offense. Once bound over for criminal trial, the juveniles were convicted of accessory to murder.

As for the prosecutive merit pend category, burglary is again the most common violation. The explanation is probably as relevant for those certified as for those who were placed on a prosecutive merit pend.

The second largest category for the prosecutive merit pend is larceny.

The comparison of types of offenses is predictable when the statutes are considered. Aside from burglary, those certified tended to be involved in crimes against people while those in the prosecutive merit pend tended to be crimes against property.

Table XII deals with all delinquency complaints received by the Juvenile Bureau of the District Court in the respective years.

TABLE XII
YEAR AND TYPE OF OFFENSE

Offense	1974		1975		1976	
	Number	Percent	Number	Percent	Number	Percent
Violation of Law Relating to Property:						
Shoplifting	181	5.28	167	5.59	183	5.16
Burglary	467	13.62	387	12.96	463	13.06
Larceny	304	8.87	287	9.61	425	11.99
Auto Theft	227	6.62	190	6.36	149	4.20
Vandalism	101	2.95	120	4.02	124	3.50
TOTAL	1280	37.34	1151	38.54	1344	37.91
Violation of Law Relating to Persons:						
Assault	188	5.48	178	5.97	220	6.21
Forcible Rape	5	.15	2	.07	1	.03
Sex Offenses (except rape).	37	1.08	13	.44	28	.79

TABLE XII (Continued)

Offense	1974		1975		1976	
	Number	Percent	Number	Percent	Number	Percent
Robbery	68	1.98	61	2.04	69	1.94
Murder	6	.17	5	.17	1	.03
Manslaughter	3	.09	0	.00	0	.00
TOTAL	307	8.95	259	8.69	319	9.00
Miscellaneous:						
Violation of Probation . . .	49	1.43	36	1.21	40	1.13
Miscellaneous	306	8.91	283	9.47	362	10.22
Violation of Drug Laws . . .	265	7.73	141	4.72	228	6.43
Drunkenness	66	1.92	68	2.28	83	2.34
Weapons (carrying or possessing)	27	.79	20	.67	41	1.16
Disorderly Conduct	42	1.22	13	.44	17	.48
TOTAL	755	22.01	561	18.79	771	21.76
Juvenile Only Offenses						
Runaway	648	18.90	500	16.74	543	15.32
Ungovernable Behavior . . .	216	6.30	263	8.81	265	7.48
Truancy	34	.99	33	1.11	50	1.41
Miscellaneous	158	4.61	202	6.76	218	6.15
Possessing or Drinking Liquor	21	.61	17	.57	34	.96
Violation of Curfew	10	.29	0	.00	1	.03
TOTAL	1087	31.70	1015	33.98	1111	31.33
GRAND TOTAL	3429	100.00	2986	100.00	3545	100.00

Table XIII deals with violent crimes by year.

TABLE XIII
VIOLENT CRIMES BY YEAR

Year	Violent	Number	Percent
1974	12	21	57.1

TABLE XIII (Continued)

Year	Violent	Number	Percent
1975	24	38	63.2
1976	11	20	55.0
TOTAL	47	79	59.5
Chi square $X^2 = 10.5$		df = 2	$p < .01$

CHAPTER IV

SUMMARY AND CONCLUSIONS

In that this thesis is an exploratory research, there are more questions than conclusions raised by the information discussed.

It would be interesting for some future researcher to compare the effects of the new reverse certification law to the information concerning those certified to stand trial in the years 1974, 1975, and 1976. It is my belief that approximately the same number of juveniles will be certified for the same types of offenses.

This study was limited in that the sample was not overly large.

Since this procedure is an exception to the system, and a very severe consequence, and taken under only exceptional circumstances, it is understandable why the sample is small.

To offset the smallness of the sample is the fact that the sample is made up of every available case for the years 1974, 1975, and 1976. So the patterns have not been affected by some flaw in selection of the sample.

As a juvenile officer working within the system of juvenile justice, the findings for the most part were consistent with my expectations at the beginning of the study. Some exceptions were noted. It would be interesting to gauge the effects of a divorce, death of one or both parents, prior contacts with law enforcement, school problems, disputes with parents, racial differences, factors that are different for males as compared to females, and social class factors, in some concise manner and then come up with a

treatment plan for diverting prospective offenders into constructive behavior patterns.

A profile of the typical juvenile who was certified to stand trial as an adult in Tulsa County would be a juvenile who was male, white, and 14 years of age at the time of his first referral to the court. This juvenile lives at home with his mother and father or stepfather. He has three siblings. His parents are employed and have an average income. This juvenile was first referred to the court in reference to a violation against people. He has been through the system on five to seven previous referrals. He has been placed on probation, in a residential treatment facility, and a state training school.

When this juvenile was certified at the age of 17, he was certified on a property offense; he has made a transition from offenses involving people to offenses involving property, putting himself more in line with the career criminal group.

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